

NELSON P. COHEN
United States Attorney

CRANDON RANDELL
THOMAS C. BRADLEY
Assistant U.S. Attorneys
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9, Room 253
Anchorage, Alaska 99513
Phone: (907) 271-5071
Fax: (907) 271-1500
E-mail: crandon.randell@usdoj.gov
thomas.bradley@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	No. 3:07-cr-00111-RRB-JDR
)	
Plaintiff,	)	<u>COUNT 1:</u>
	)	CARJACKING
vs.	)	Vio. of 18 U.S.C. § 2119(3)
	)	<u>COUNT 2:</u>
JOSHUA ALAN WADE,	)	USING A FIREARM DURING
	)	AND IN RELATION TO A CRIME
	)	OF VIOLENCE RESULTING IN
Defendant.	)	DEATH
	)	Vio. of 18 U.S.C. §§ 924(c)(1)(A)
	)	and (j)(1)
	)	<u>COUNTS 3-4:</u>
	)	FINANCIAL INSTITUTION
	)	FRAUD
	)	Vio of 18 U.S.C. § 1344(2)
	)	<u>COUNT 5:</u>
	)	FRAUD WITH ACCESS DEVICE
	)	Vio. of 18 U.S.C. § 1029(a)(5)
	)	<u>COUNT 6:</u>
	)	AGGRAVATED IDENTITY
	)	THEFT
	)	Vio. of 18 U.S.C. § 1028A(a)(1)
)	

) COUNT 7:
) FELON IN POSSESSION OF
) FIREARM
) Vio. of 18 U.S.C. §§ 922(g)(1)
) and 924 (a)(2)
) COUNT 8:
) DRUG USER IN POSSESSION OF
) FIREARM
) Vio. of 18 U.S.C. §§ 922(g)(3)
) and 924(a)(2)

F I R S T S U P E R S E D I N G I N D I C T M E N T

The Grand Jury charges that:

COUNT 1: CARJACKING

On or about August 4, 2007, in the District of Alaska, the defendant, JOSHUA ALAN WADE, did take a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce, that is, a red Acura bearing Alaska license plate DVP231, from the person and presence of Mindy Schloss, with intent to cause death and serious bodily harm, by force, violence, and intimidation, resulting in her death.

All in violation of Title 18, United States Code, Section 2119(3).

COUNT 2: USING A FIREARM DURING AND IN RELATION TO A CRIME
OF VIOLENCE RESULTING IN DEATH

On or about August 4, 2007, in the District of Alaska, the defendant, JOSHUA ALAN WADE, did knowingly use, carry, possess, brandish, and discharge a firearm, during and in relation to the offense charged in Count 1 of this Indictment, Carjacking,

which is realleged and incorporated by reference herein, and which is a crime of violence for which he may be prosecuted in a court of the United States.

In the course of said crime, the defendant did unlawfully and intentionally cause the death of a person, that is, Mindy Schloss, through the use of said firearm, which killing was a murder as defined by Title 18, United States Code, Section 1111(a) in that the defendant did, with malice aforethought, unlawfully kill Mindy Schloss.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A) & (j)(1).

COUNTS 3 & 4: BANK FRAUD

From on or about August 5, 2007, and continuing to on or about August 6, 2007, in the District of Alaska, the defendant, JOSHUA ALAN WADE, knowingly executed, and attempted to execute, a material scheme and artifice to obtain money held in the account of another individual, whose account was under the custody and control of Alaska USA Federal Credit Union, a financial institution, the accounts of which are insured by the National Credit Union Association, by means of material false and fraudulent pretenses, representations, and promises. The defendant's scheme was to engage in the unauthorized use of a VISA debit card and PIN number of another person, that is, Mindy Schloss, to withdraw funds from ATM machines.

The defendant, JOSHUA ALAN WADE, knowingly executed and attempted to execute this scheme on two occasions, with each occasion described below listed as a separate and distinct count:

<u>Count</u>	<u>Date</u>	<u>Location</u>
3	August 5, 2007	Wells Fargo Bank Jewel Lake Road, Anchorage
4	August 6, 2007	Credit Union 1 Eide Street, Anchorage

All in violation of Title 18, United States Code, Section 1344(2).

COUNT 5: ACCESS DEVICE FRAUD

From on or about August 5, 2007, and continuing to on or about August 6, 2007, in the District of Alaska, the defendant, JOSHUA ALAN WADE, knowingly and with intent to defraud, did effect transactions with an access device issued to another person, that is, Mindy Schloss, and by such conduct did obtain and attempt to obtain \$1,000 or more in a one year period, with such conduct affecting interstate commerce.

All in violation of Title 18, United States Code, Section 1029(a)(5).

COUNT 6: AGGRAVATED IDENTITY THEFT

From on or about August 5, 2007, and continuing to on or about August 6, 2007, within the District of Alaska, the defendant, JOSHUA ALAN WADE, during and in relation to the offenses of Financial Institution Fraud, and Fraud with Access Device, as alleged in Counts 3, 4 and 5 of this Indictment, did knowingly use, without lawful authority, a means of identification of another person, specifically an Alaska USA Federal Credit Union VISA debit card and a PIN number belonging to Mindy Schloss.

All in violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(4) and (5).

COUNT 7: FELON IN POSSESSION OF FIREARM

In or about July and August 2007, within the District of Alaska, defendant JOSHUA ALAN WADE, having previously been convicted of the below-listed crimes punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce, a firearm, namely a .45 caliber Glock 30 semiautomatic pistol:

<u>Date</u>	<u>Case No.</u>	<u>Offense</u>	<u>Court</u>
9/19/2003	3AN-S00-8436 CR	Tampering with Physical Evidence	Superior Court for the State of Alaska, Anchorage
6/29/2000	3AN-S00-0576 CR	Misconduct with Weapons in the Third Degree	Superior Court for the State of Alaska, Anchorage

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 8: DRUG USER IN POSSESSION OF FIREARM

In or about July and August 2007, within the District of Alaska, the defendant, JOSHUA ALAN WADE, being an unlawful user of a controlled substance, did knowingly possess in and affecting commerce, a firearm, namely a .45 caliber Glock 30 semiautomatic pistol.

All in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

NOTICE OF SPECIAL FINDINGS

The Grand Jury repeats and realleges the accusations of this Indictment.

As to Count One, the defendant, JOSHUA ALAN WADE:

1. Was 18 years of age or older at the time of the offense, that is, the defendant was 27 years old (18 U.S.C. § 3591(a));
2. Intentionally killed Mindy Schloss (18 U.S.C. § 3591(a)(2)(A));
3. Intentionally inflicted serious bodily injury that resulted in the death of Mindy Schloss (18 U.S.C. § 3591(a)(2)(B));
4. Intentionally participated in one or more acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than a participant in the offense, and Mindy Schloss died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(C));
5. Intentionally and specifically engaged in one or more acts of violence, knowing that the act or acts created a grave risk of death to a person, other than a participant in the offense, such that participation in such act or acts constituted a reckless disregard for human life, and Mindy Schloss died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(D));

6. Has previously been convicted of a state offense punishable by a term of imprisonment of more than one year, involving the use or threatened use of a firearm against another person, that is, Misconduct with Weapons in the Third Degree, in case number 3AN-S00-0576 CR, Superior Court for the State of Alaska, Anchorage (18 U.S.C. § 3592(c)(2));
7. Has previously been convicted of two or more state offenses punishable by a term or imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person, that is, Misconduct with Weapons in the Third Degree, in case number 3AN-S00-0576 CR, Superior Court for the State of Alaska, Anchorage; and Tampering With Physical Evidence, Superior Court for the State of Alaska, Anchorage, 3AN-S00-8436 CR (18 U.S.C. § 3592(c)(4));
8. Committed the offense in an especially heinous, cruel, and depraved manner, in that it involved torture and serious physical abuse to Mindy Schloss (18 U.S.C. § 3592(c)(6));
9. Committed the offense in the expectation of the receipt of anything of pecuniary value (18 U.S.C. § 3592(c)(8)); and

10. Committed the offense after substantial planning and premeditation to cause the death of Mindy Schloss (18 U.S.C. § 3592(c)(9));

As to Count Two, the defendant, JOSHUA ALAN WADE:

1. Was 18 years of age or older at the time of the offense, that is, the defendant was 27 years old (18 U.S.C. § 3591(a));
2. Intentionally killed Mindy Schloss (18 U.S.C. § 3591(a)(2)(A));
3. Intentionally inflicted serious bodily injury that resulted in the death of Mindy Schloss (18 U.S.C. § 3591(a)(2)(B));
4. Intentionally participated in one or more acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than a participant in the offense, and Mindy Schloss died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(c));
5. Intentionally and specifically engaged in one or more acts of violence, knowing that the act or acts created a grave risk of death to a person, other than a participant in the offense, such that participation in such act or acts constituted a reckless disregard for human life, and Mindy Schloss died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(D));

6. Has previously been convicted of two state offenses punishable by a term or imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person, that is, Misconduct with Weapons in the Third Degree, in case number 3AN-S00-0576 CR, Superior Court for the State of Alaska, Anchorage; and Tampering With Physical Evidence, Superior Court for the State of Alaska, Anchorage, 3AN-S00-8436 CR (18 U.S.C. § 3592(c)(4));
7. Committed the offense in an especially heinous, cruel, and depraved manner, in that it involved torture and serious physical abuse to Mindy Schloss. (18 U.S.C. § 3592(c)(6));
8. Committed the offense in the expectation of the receipt of anything of pecuniary value (18 U.S.C. § 3592(c)(8)); and

//

//

//

//

//

//

//

9. Committed the offense after substantial planning and premeditation
to cause the death of Mindy Schloss (18 U.S.C. § 3592(c)(9)).

A TRUE BILL.

s/Grand Jury Foreperson
GRAND JURY FOREPERSON

s/Crandon Randell
CRANDON RANDELL
Assistant U.S. Attorney
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9, Room 253
Anchorage, Alaska 99513
Phone: (907) 271-5071
Fax: (907) 271-1500
E-mail: crandon.randell@usdoj.gov

s/Thomas C. Bradley
THOMAS C. BRADLEY
Assistant U.S. Attorney
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9, Room 253
Anchorage, Alaska 99513
Phone: (907) 271-5071
Fax: (907) 271-1500
E-mail: thomas.bradley@usdoj.gov

s/Karen L. Loeffler
for NELSON P. COHEN
United States Attorney
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9, Room 253
Anchorage, Alaska 99513
Phone: (907) 271-5071
Fax: (907) 271-1500
Email: nelson.cohen@usdoj.gov

Dated: 4/17/08